

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAZAL SISO,

Plaintiff,

v.

ORDER

12-CV-2443 (MKB)

NATIONAL CREDIT SOLUTIONS, LLC,

Defendant.

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MARGO K. BRODIE, United States District Judge:

Plaintiff Mazal Siso filed the above-captioned action on May 16, 2012 against Defendant National Credit Solutions, LLC for violations of the Fair Debt Collection Practices Act (“FDCPA”). On May 23, 2012, Defendant filed an answer. On June 13, 2012, Defendant’s counsel, Jason Sisone, moved to withdraw, stating that “Defendant no longer wishes to be represented by the undersigned counsel in this case.” (Docket No. 13.) Magistrate Judge Pollak granted defense counsel’s motion to withdraw and gave Defendant until July 12, 2012 to obtain new counsel. Defendant did not obtain new counsel and failed to appear at the next scheduled conference. On August 2, 2012, Plaintiff filed a letter requesting that the Court strike Defendant’s answer and grant a default judgment against Defendant, as a result of Defendant’s failure to obtain new counsel or appear at the conference. Defendant did not respond to Plaintiff’s letter.

On November 5, 2012, Magistrate Judge Pollak filed a Report & Recommendation (“R&R”), recommending that, unless Defendant contacts the Court by December 5, 2012, an order should be entered striking Defendant’s answer. Magistrate Judge Pollak further

recommended that a certificate of default should be entered against Defendant, and the case should be referred to Magistrate Judge Pollak to conduct an inquest and prepare a report and recommendation on the issue of damages. No objections were filed.

This Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Magistrate Judge Pollak's R&R pursuant to 28 U.S.C. § 636(b)(1). Accordingly, Defendant's answer is stricken, and the Clerk of Court is directed to enter a certificate of default against Defendant. This matter is referred to Magistrate Judge Pollak for a report and recommendation on the issue of damages.

SO ORDERED:

s/MKB
MARGO K. BRODIE
United States District Judge

Dated: December 11, 2012
Brooklyn, New York